

Issued March 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2723.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Rock Springs Distilling Co. Plea of guilty. Fine, \$25 and costs.

MISBRANDING OF WHISKY.

On November 26, 1912, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rock Springs Distilling Co., a corporation, Owensboro, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on March 29, 1911, from the State of Kentucky into the State of Texas, of a quantity of so called genuine sour mash whisky which was misbranded. The product was labeled: "Hill and Hill Rock Springs Dist'g Co. Distillers, Owensboro, Ky. Ethyl Spirits, 99.89; volatile ethers, .05; Oak Tanin, .01; Extractive Matter, trace; Making total 99.99 Pure. We find it fully matured in fine boquet and rich aroma and perfectly pure, being free from all trace of fusel oil or any other deleterious substance, this whiskey is especially adapted for medicinal purposes. B. Heller & Company, By Benjamin Heller, Ph. D. The above is a true copy of a letter written to us without solicitation and is here reproduced by permission. Rock Springs Distilling Co."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Proof corrected 60° F., 99.8; solids (grams per 100 liters of 100 proof), 169.1; acids (grams per 100 liters of 100 proof), 64.9; esters (grams per 100 liters of 100 proof), 54.6; aldehydes (grams per 100 liters of 100 proof), 8.0; furfural (grams per 100 liters of 100 proof), 1.4; fusel oil (grams per 100 liters of 100 proof), 146; total color calculated to 100 proof (degrees, Brewer's scale, in $\frac{1}{2}$ -inch cell Lovibond), 12.5; color in-

soluble in water, 80 per cent; color insoluble in amylic alcohol, 8 per cent; solids appearance, normal; residue, resinous. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which label bore a certain false and misleading statement regarding the product and the ingredients and substances contained therein, in that said product contained amylic alcohol and fusel oil and did not contain 99.89 per cent ethyl spirits, but contained much less than 99.89 per cent ethyl spirits, to wit only 50 per cent ethyl spirits. Misbranding was alleged for the further reason that the statements borne on the bottles and labels were false and misleading in that each of the bottles was labeled and branded so as to deceive and mislead the purchaser thereof to believe that the product contained no amylic alcohol or fusel oil and contained 99.89 per cent of ethyl spirits, whereas it contained amylic alcohol and fusel oil and did not contain 99.89 per cent of ethyl spirits, but contained much less than 99.89 per cent of ethyl spirits, to wit, only 50 per cent of ethyl spirits.

On April 23, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

C. F. MARVIN,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 8, 1913.*